

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

01224-369099

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Application Number

10/743,324

Filed

DECEMBER 23, 2003

First Named Inventor

ERIC APPS

Art Unit

2165

Examiner

TOMASZ
PONIKIEWSKI

on _____

Signature _____

Typed or printed
name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.
Registration number 54,883

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

J. Connely
Signature

JOSEPH CONNELEY
Typed or printed name

416-601-8179
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JUNE 3, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No. : 10/743,324
Applicant : Eric Apps, et al.
Filed : December 23, 2003
Title : A METHOD AND SYSTEM FOR THE VISUAL
PRESENTATION OF DATA MINING MODELS
Confirmation No. : 5560
Art Unit : 2165
Examiner : Tomasz Ponikiewski
Docket No. : 012244-369099
Customer No. : 27155

Commissioner of Patents
P.O. Box 1450
Alexandria, V.A. 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This is in response to the Examiner's Final Office Action mailed April 25, 2008 (the "Final Office Action").

Please note that a Notice of Appeal and the appropriate fee have been filed with this Request.

The following are the errors in the Examiner's rejections and/or the Examiner's omissions of one or more essential elements needed for a *prima facie* rejection for which the Applicant respectfully requests review:

First: On pages 3-6 of the Final Office Action the Examiner has rejected independent Claim 17 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,240,411 to Thearling ("Thearling") in view of United States Patent Application Publication No. 2002/0174182 by

Wilkinson, et al. ("Wilkinson") and further in view of United States Patent No. 6,697,088 to Hollander ("Hollander").

With respect to those elements of Claim 17 that recite, "means to receive inputs from said customer system and to deliver said presentation to said customer system" and "wherein said inputs include a customer identification and a presentation definition identification", in the Applicant's Amendment/Reply of December 4, 2007 to the Examiner's Office Action of September 6, 2007, the Applicant argued as follows:

"First, Hollander does not teach receiving a presentation definition identification as an input from a customer system as recited in previous Claim 17. On page 6 of the Office Action the Examiner states (underlining added):

"Thearling does not teach presentation definition identification...Hollander teaches presentation definition identification (Hollander column 4, lines 41-43)."

Please refer to FIG. 1, col. 4, lines 28-37 and col. 6, line 63 to col. 7, line 4 of Hollander (quoted above). The 'identifier' in Hollander is not received from a customer system or client. Rather, it is received from a host application 30 running on a host processor 20 (e.g., a mainframe computer) via an API message 42."

In response, the Examiner states the following on page 16 of the Final Office Action (underlining added):

"As to applicant's argument that 'Hollander does not teach presentation definition identification' is not found persuasive...Hollander does teach presentation definitions that the presentation manager retrieves from a database as shown in column 4, lines 40-43. It would be obvious to conclude that to retrieve anything from a database requires some sort of identifier to identify the object of interest (using identifiers to access information is inherent feature of a database)."

The Applicant respectfully submits that the Examiner's above statements do not address the Applicant's argument. In particular, the Examiner has not stated where Hollander teaches receiving a "presentation definition identification" as an input from a customer system.

The Applicant respectfully maintains that Hollander does not teach or suggest those elements of

Claim 17 referred to above. As such, the Applicant respectfully submits that a combination of Hollander, Thearling, and Wilkinson does not teach or suggest the subject matter of Claim 17. Consequently, the Applicant respectfully submits that Claim 17 is not obvious under 35 U.S.C. 103(a). In addition, the Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness against Claim 17 under 35 U.S.C. 103(a).

Second: With respect to the same elements of Claim 17 referred to above, in the Applicant's Amendment/Reply of December 4, 2007 to the Examiner's Office Action of September 6, 2007, the Applicant argued as follows:

"Fourth, Wilkinson does not teach receiving a presentation definition identification as an input from a customer system as recited in previous Claim 17. On page 3 of the Office Action the Examiner states (underlining added):

'Thearling does not teach wherein said inputs include a customer identification and a presentation definition identification... Wilkinson et al. teaches wherein said inputs include a customer identification (Wilkinson et al., paragraph 0032, second column, lines 6-8; paragraph 0037, second column, lines 10-11).'

The Examiner does not cite where Wilkinson teaches that the presentation definition identification is received as an input from a customer system. Paragraphs 0032 and 0037 of Wilkinson (quoted above) simply do not teach this... In addition, paragraphs 0032 and 0037 of Wilkinson do not teach a presentation definition identification at all. All that paragraphs 0032 and 0037 of Wilkinson teach are 'information presentation instructions'. Information presentation instructions are not the same as a presentation definition identification. According to paragraph 0032 of Wilkinson, information presentation instructions 'provide instructions to a 'touch point' (e.g., website, call center, email, phone system, a graphical user interface, etc.) for presenting information in accordance with an interaction motivation plan'. In contrast, a presentation definition identification as recited in previous Claim 17 is used to identify a presentation definition."

In response, the Examiner states the following on page 17 of the Final Office Action (underlining added):

"As per applicant's argument that 'Wilkinson et al. does not teach wherein inputs include a customer presentation definition identification is received as an input from a customer

system' is not found persuasive...Wilkinson et al. teaches in paragraph 0032, second column, lines 3-8 shows that database receives information associated with target interaction. The information could mean identification information as well as user identification. Therefore Wilkinson et al. broadly teaches the limitations of the claim in question."

The Applicant respectfully submits that the Examiner's above statements do not address the Applicant's argument. In particular, the Examiner has not stated where Wilkinson teaches receiving a presentation definition identification as an input from a customer system.

The Applicant respectfully maintains that Wilkinson does not teach or suggest those elements of Claim 17 referred to above. As such, the Applicant respectfully submits that a combination of Wilkinson, Thearling, and Hollander does not teach or suggest the subject matter of Claim 17. Consequently, the Applicant respectfully submits that Claim 17 is not obvious under 35 U.S.C. 103(a). In addition, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness against Claim 17 under 35 U.S.C. 103(a).

Third: With respect to those elements of Claim 17 that recite, "wherein said presentation definition includes a reference to a data mining model and one or more rules" and "wherein said means to generate applies said data mining model and said one or more rules to said customer attribute to produce an outcome for display in said presentation according to a format included in said presentation definition", in the Applicant's Amendment/Reply of December 4, 2007 to the Examiner's Office Action of September 6, 2007, the Applicant argued as follows:

"Sixth, on page 4 of the Office Action the Examiner states (underlining added):

'Thearling does not teach one or more rules...Wilkinson et al. teaches one or more rules (Wilkinson et al. paragraph 0009, lines 19-20).'

However, paragraph 0009 of Wilkinson (quoted above) does not specify that the rules are included in a presentation definition or are applied along with a data mining model to a customer attribute as recited in previous Claim 17."

In response, the Examiner states the following on page 18 of the Final Office Action (underlining added):

“As per applicant’s argument that ‘Wilkinson et al. does not specify that the rules are included in a presentation definition’ is not found to be persuasive...As per obviousness rule Wilkinson et al. teaches the multiple rules are possible. The claim also call for reference to data mining model not the model itself. The Wilkinson et al. reference teaches that information motivation plan sets guidelines and rules for information presentation; therefore the reference broadly teaches the argued claim limitation.”

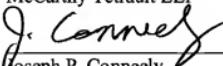
The Applicant respectfully submits that the Examiner’s above statements do not address the Applicant’s argument. In particular, the Examiner has not stated where Wilkinson teaches that the rules are included in a presentation definition or are applied along with a data mining model to a customer attribute.

The Applicant respectfully maintains that Wilkinson does not teach or suggest those elements of Claim 17 referred to above. As such, the Applicant respectfully submits that a combination of Wilkinson, Thearling, and Hollander does not teach or suggest the subject matter of Claim 17. Consequently, the Applicant respectfully submits that Claim 17 is not obvious under 35 U.S.C. 103(a). In addition, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness against Claim 17 under 35 U.S.C. 103(a).

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date: June 2, 2008

By:

Respectfully submitted,
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